

1 GILADI

2 December 28th, what days were you out of work?

3 A. I say here I was out for one day.

4 And then for one day I came to work and I couldn't

5 stay any longer, and I left after five hours. And

6 then for 22 hours, may I have a ruler, please? I

7 don't have mine.

8 MR. DINHOFFER: Use a piece of paper.

9 With regard to --

10 MR. DINHOFFER: Wait, there is no

11 question.

12 MR. BURFORD: Actually I think there

13 was a question.

14 MR. DINHOFFER: Can you read back?

15 (Whereupon, the referred to question

16 was read back by the Reporter.)

17 A. (Continuing) I'd like to mention one

18 thing that to your knowledge this time, there was

19 a lot of vacation hours, holiday hours, it's not

20 being marked here. For example, you have here

21 December 27th, you have Christmastime here, that is

22 holiday, which I did not even put in this

23 category because it's a holiday so I did not

24 claim anything like that in this paper.

25 Q. For the pay period beginning December

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can you tell me what days, or what day or
days were included under the category of sick hours?

A. Which days exactly? I cannot, but I can
tell you it was one day that I was off all day.
The other day I came to work, and maybe I tried to
do something and I couldn't do it, and after five
hours, I left. And after that I was on
disability.

Q. How can you tell from looking at this
list that, for example, the category of sick hours,
number seven relates to seven contiguous hours on
one day, as opposed to seven hours on more than one
day?

A. I believe that if I said seven, it's
a full seven hours.

Q. Under the category of "leave with pay",
where you have two,
do you know whether it's two hours on
one day or two hours on more than one day?

A. As I said, I believe it's one day.

Q. What leads you to that belief?

A. Because if I have here, we have ten
days, ten working days. Total. From ten working
days, we have here 31 hours. Of 31 of time

GILADI

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2 that being taken as sick and combination of
3 disability. From that we have weekends, we have
4 the holidays also. So, don't leave a lot. So
5 I assume, if I had a chance in front of me that I
6 was working with, I could tell you exactly.

7 Q. So, in essence, is it fair to say that
8 as you sit here now, you don't know what day or
9 part of days these numbers relate to?

10 A. I cannot tell you exactly, but, as
11 recall, usually I took full days off. It was
12 rarely that I came to work and I left in the middle
13 of the day, and if I did that means I have less
14 than seven hours.

15 Q. Is it safe to say then that the number
16 two relates to less than a complete day?

17 A. That is correct.

18 Q. And the 22 non paid hours would include
19 full days and partial days?

20 A. This one -- a possibility. That I
21 that I came to work.

22 Q. Sir, I am not asking for disabilities.
23 I am not asking for you to guess or assume or
24 surmise.

25 A. Because I had one day that I came to

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Q.

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MR. BURFORD: Excuse me?

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(Whereupon, a recess was taken.)

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Q.

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A.

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Q. Do you know what sick hours, what days are referred to by the sick hours of 11, for the pay period beginning January 11th?

A. No, I can't tell you.

Q. On the non-paid hours of 59?

A. 59 disability.

Q. No, I am asking what days.

A. From the day Dr. Strauch signed the paper.

Q. And you don't know what day that was?

A. No.

Q. There is an asterisk next to certain entries there in the non-paid hours, which I believe refers to disability period?

A. Yes, I believe that the first one with the 22, this is my assumption at the moment based on the fact that I have 59 hours, and in the period of January 11th to January 24th, the asterisk on the 22 is an error, and this is a strict non-paid hours, meaning that I took, my boss did not pay me for these hours at all, this was not sick time, it's nothing, I was not being paid for these hours at all.

Q. What leads you to that conclusion?

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A.

Because to my best of my recollection,

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my -- for some reason, my boss did not pay me

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for all the time I was out sick time and stuff

6

like that, and this is what I believe, but I

7

cannot

8

Q.

You don't know one way or the other?

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A.

On the 22 hours, I do not know, I

10

cannot tell you anything.

11

Q.

For the hours that have asterisks next

12

to them, does that mean you were compensated by

13

disability?

14

A.

Yes, but I was not compensated for

15

Q.

To what extent were you compensated?

16

A.

I think around \$200 per week.

17

Q.

For the period January 25th, do you

18

know what days are encompassed in the 70?

19

A.

All week. All two weeks, sorry.

20

Q.

All two weeks?

21

A.

Yes.

22

Q.

And that's true for

23

A.

Every time you see 70, yes.

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Q.

For each column where there is a 70?

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A.

Yes.

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MR. DINHOFFER: You have to let him

finish his question.

MR. BURFORD: When you get the transcript it will look confusing.

Q. For the pay period March 8th, you list three sick hours?

A. Yes.

Q. Do you know what days those were?

A. Not that I can tell you.

Q. What days are encompassed by the seven hours worth of leave with pay?

A. The exact day, no.

Q. For the pay period April 1st, do you know what day the two hours leave with pay is referring to?

A. No, I cannot.

Q. What does the column entitled "vacation hours" refer to?

A. Vacation hours? That's part of my contract. I have sick hours, I have vacation hours, and I have personal hours.

Q. You have what hours?

A. Personal. And whenever I couldn't take sick hours, I took vacation hours to take of my

GILADI

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medical condition

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Q. You told me that you had 70 sick hours

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a year. How many vacation hours did you have?

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A. Depends. When it was varied, I had

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four weeks in the beginning and then it became to

7

be five weeks. I don't know what time it was being

8

changed.

9

Q. What about personal hours?

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A. I believe ten days.

11

Q. What was your hourly rate, hourly wage?

12

A. \$19.63 per hour.

13

Q. \$19 and nine?

14

A. Yes, this is for a long period of

15

time.

16

MR. DINHOFFER: I think he said,

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\$19.63.

18

Q. \$19.63?

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A. Yes.

20

Q. Through the bottom of the page

21

Defendant's Exhibit A, are you able to tell me what

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day specifically any of the hours listed refer to?

23

A. Specific days I cannot tell you.

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Whenever you have 70, I know that it's the full two

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weeks. With regard to the period from November 14,

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'92 to January 8, 1993, the first -- the first 42

hours, I was working, meaning -- prior and then I

took vacation time, and this -- and in this four

days, the last four days of November, November 1

27th, pay period of November 27th, and then -- I

took all this time off, and when you don't have 70

hours, meaning this is holiday in the middle. For

this period of time.

Q. So you were off completely from when to

A. From -- as I said, from the week of -- the

week of November 13, I believe, the week of

November 21st, through January -- until the

beginning of January. I was off totally. I came

back sometime in the beginning of January, the

first week of January.

Q. When had you off during that period of

time?

A. This is when I was looking for the

period when I got to the point that I couldn't

take it any longer and I went to Israel to look for

some answer for my problem.

Q. Which problem was that?

A. Why do I have pain in my elbow.

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Q.

Had you traveled to Israel from
November 30, 1991, meaning November 21, 1992?

A.

If I traveled, I cannot tell you. I
don't recall what I did, but I did. At that
time maybe I was not. I was not having the
problem I had. Prior to this period of time
when Dr. Sprach told me that I am a
hypochondriac.

MR. DINHOFFER: For the record, I don't
know where the date November 30th came from.

MR. BURFORD: (Indicating.)

MR. DINHOFFER: At the very top you are
talking about '91? I was looking down --

Q.

My question essentially is from the top
of what is listed here on Defendant's A, meaning
when you said November 21st, had you traveled to
Israel?

A.

As I said, I was patiently believing
Dr. Sprach that my situation will be resolved
sometime and it's only an issue of time. The day
he told me that I am a hypochondriac, this is when
I decided that I am going to see what the problem
is because I realized that I have more than what he
is. What he told me.